

CRM-M-4940-2021

Date of Decision: 9.9.2021

Surender

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vaibhav Narang, Advocate, for the petitioner.
Mr. Manish Bansal, Deputy Advocate General, Haryana.
Mr. Mukesh Yadav, Advocate, for the complainant.

Rajesh Bhardwaj, J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.331 dated 6.9.2020 under Sections 452, 506 IPC and Section 8 of POCSO Act, 2012 registered at Police Station Kanina, Mahendergarh.

It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present FIR, which has been lodged by Savita i.e. the mother of the victim. It has been alleged in the FIR that the petitioner came drunk and he molested her daughter. In view of the same, it was prayed for taking legal action against the accused. On completion of the investigation, the challan was presented and trial commenced. He further submits that no act as alleged had ever been committed by the petitioner and no case of such a nature was ever lodged against the petitioner. He vehemently contends that now the victim has been examined before the trial Court as PW-1 on 6.9.2021 and she has not supported the case of the prosecution and thus, was declared hostile. In view of the same, he submits that the petitioner, who languishing in jail since

7.9.2020, his incarceration is totally unjustified and he deserves the concession of bail.

Learned State counsel submits that the petitioner is involved in heinous offence and in all 8 witnesses are to be examined by the prosecution. However, he is not in a position to deny the fact that the prosecutrix has not supported the case of the prosecution.

In the over all facts and circumstances of the case, I find that trial would take some time. Learned counsel for the petitioner has made out a case for grant for regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

9.9.2021
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Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No